

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Ruso Wind Partners, LLC  
Ruso Wind Project – Ward and McLean Counties  
Siting Application

Case No. PU-19-28

Ruso Wind Partners, LLC  
230 kV Transmission Line – McHenry and Ward Counties  
Siting Application

Case No PU-19-29

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of November 2023**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order On Withdrawl of Application**

The envelopes were addressed as follows:

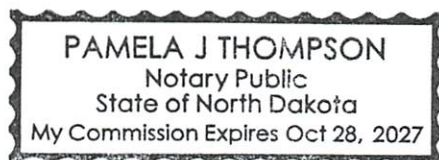
Mollie Smith  
Attorney for Ruso Wind Partners, LLC  
Fredrickson & Byron, P. A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
Cert. No. **9589 0710 5270 1582 7540 29**

Kevin Pranis  
Laborers District Council of Minnesota  
and North Dakota  
81 E. Little Canada Road  
St. Paul, MN 55117  
Cert. **9589 0710 5270 1582 7540 36**

The addresses shown are the respective addressee's last reasonably ascertainable post addresses.

Subscribed and sworn to before me  
this **30th day of November 2023**.

SEAL



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Affidavit of Service by Certified Mail - Order  
on Withdrawal of Application  
Public Service Commission

  
  
Notary Public

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Affidavit of Service by Certified Mail - Order  
on Withdrawal of Application  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Ruso Wind Partners, LLC**  
**Ruso Wind Project - Ward and McLean Counties**  
**Siting Application**

**Case No. PU-19-28**

**Ruso Wind Partners, LLC**  
**230 kV Transmission Line – McHenry and Ward Cntys**  
**Siting Application**

**Case No. PU-19-29**

**ORDER ON WITHDRAWAL OF APPLICATION**

**November 29, 2023**

**Preliminary Statement**

On January 21, 2019, Ruso Wind Partners, LLC (Ruso Wind) filed an Application for a Certificate of Site Compatibility for a wind energy conversion facility known as the Ruso Wind Project (Project) to be located in Ward and McLean Counties, North Dakota.

On January 21, 2019, in Case No. PU-19-029, Ruso Wind filed combined applications for a Corridor Certificate and Route Permit to construct the associated Generation Tie-In Facility and Switching Station (Gen-Tie Line). The proposed 230 kV Gen-Tie Line would extend from the Wind Project Substation in Ward County to the proposed Switching Station in McHenry County.

On March 27, 2019, the North Dakota Public Service Commission (Commission) consolidated the applications for hearing; deemed both applications complete conditioned upon receipt at least 30 days prior to the hearing and issued a Notice of Filings and Notice of Consolidated Hearing, scheduling a public hearing for June 17, 2019, at 9:00 a.m. at the Sleep Inn & Suites, 2400 10th Street SW, Minot, ND 58701. The Notice identified the following issues to be considered:

1. Will the location and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs

Case Nos. PU-19-028 & 19-029  
Order on Withdrawal of Application  
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**Order on Withdrawal of Application**

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**Order on Withdrawal of Application**

Public Service Commission

are met and fulfilled in an orderly and timely fashion?

On May 30, 2019, Ruso Wind filed updated Wind Project publication and Gen-Tie Line publication maps.

On May 30, 2019, Commission Staff filed the Prefiled Direct Testimony of David M. Hessler.

On June 6, 2019, LIUNA North Dakota filed a Petition to Intervene.

On June 13, 2019, ALJ Hogan issued an Order granting LIUNA North Dakota's Petition to Intervene.

On June 17, 2019, the public hearing was held. At the public hearing, Ruso Wind submitted an additional Shadow Flicker Acknowledgment and an Avoidance, Minimization, and Mitigation Measures Summary Table.

On July 11, 2019, Ruso Wind filed a request for an extension of the deadline to file late-filed exhibits and proposed Findings of Fact, Conclusions of Law and Order to August 9, 2019. On July 12, 2019, ALJ Hogan issued an Order Granting Request for Extension.

On August 9, 2019, Ruso Wind filed Late-Filed Hearing Exhibits along with Proposed Findings of Fact, Conclusions of Law and Order.

On August 28, 2019, a work session was held.

On September 9, 2019, ALJ Hogan issued an Order Admitting Late-Filed Exhibits.

On November 7, 2019, the Commission issued a Notice of Opportunity for Hearing regarding the inability of Ruso to install required light mitigation technology. No hearing was requested.

On January 15, 2020, Ruso Requested an informal hearing and the opportunity to brief the legal question regarding light mitigation technology and the legal requirements and to have the consideration of an order removed from the commission agenda.

On February 13, 2020, an informal hearing was held.

ON May 4, 2020, a motion was presented to the commission to adopt the findings of Fact, Conclusion of Law, and Order which failed to pass.

On March 5, 2020, Ruso requested an abeyance of decision until after completion of the 2021 legislative session.

On March 27<sup>th</sup>, 2020, the Commission adopted an order granting the abeyance of decision until after completion of the 2021 legislative session and ordering Ruso shall advise

the commission whether it will proceed in case No. PU-19-28 and Case No. PU-19-29 within sixty days of the completion of session.

On July 16, 2021, Ruso requested to lift the abeyance and allow proceedings to resume.

On September 22, 2021, the commission lifted the abeyance.

On September 23, 2021, commission staff requested information.

On December 15, 2021, Ruso sent a letter regarding delay of filing until 2022 and sent an update on April 4, 2022.

On October 25, 2023, Ruso filed a request to withdraw the application in the above captioned case due to the issues with light mitigation installation and the Department of Defense and U.S. Airforce requests that no turbines be installed within 2 miles of a missile silo.

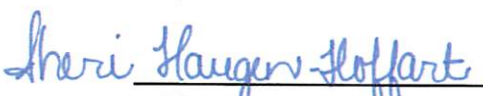
### Discussion

Having reviewed Ruso's request for withdrawal due to light mitigation and set back issues the commission orders the following:

### Order

The Commission orders: Ruso's request to withdraw the applications is granted.

### PUBLIC SERVICE COMMISSION

  
Sheri Haugen-Hoffart  
Commissioner

  
Randy Christmann  
Chair

  
Julie Fedorchak  
Commissioner